

**UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT**

-----X

DIANE S. FORTUNE,

Plaintiff,

CIVIL ACTION NO.:

CV 08 1017 (ADS)(ETB)

NOTICE OF APPEAL

GROUP LONG TERM DISABILITY
PLAN FOR EMPLOYEES OF KEYSpan
CORPORATION; HARTFORD LIFE
INSURANCE COMPANY; OXFORD
HEALTH PLANS; METROPOLITAN LIFE
INSURANCE COMPANY

DOCUMENT

ELECTRONICALLY FILED

Defendants.

-----X

Plaintiff, DIANE S. FORTUNE, appeals to the United States Court of Appeals for the Second Circuit from the final judgment of the district court, entered in this case on August 10 2009, the Memorandum and Order, filed on September 12, 2009 which denied Fortune's Rule 60(a) Motion, which was timely filed on August 19, 2009, and all interlocutory orders that gave rise to that judgment, including but not limited to:

1. Memorandum of Decision and Order, filed on November 29, 2008, published at 588 F. Supp. 2d 339;
2. Memorandum of Decision and Order, filed on July 25, 2009, published at 2009 U.S. Dist. LEXIS 64190
3. Memorandum of Decision and Order, filed on August 10, 2009;
4. Judgment, filed on August 10, 2009; and
5. Memorandum of Decision and Order, filed on September 12, 2009.

Dated: September 14, 2009

/S/ Thornton Davidson, #166487

THORNTON DAVIDSON

The ERISA Law Group

2055 San Joaquin Street

Fresno, CA 93721

Telephone:(559)256-9800

Telefax:(559)256-9795

e-mail: thorntondavidson@aol.com

Attorney for Plaintiff, DIANE S. FORTUNE

Pro hac vice

TO:

Michael H. Bernstein (MHB 0579)
SEDGWICK, DETERT, MORAN & ARNOLD LLP
125 Broad Street, 39th Floor
New York, New York 10004-2400
Telephone: (212) 422-0202
Facsimile: (212) 422-0925
Attorneys for Defendant
GROUP LONG TERM DISABILITY PLAN
FOR EMPLOYEES OF KEYSpan CORPORATION and
HARTFORD LIFE INSURANCE COMPANY

CERTIFICATE OF SERVICE

I, Thornton Davidson, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF APPEAL** was served **ECF** on September 14, 2009, upon the following:

Michael H. Bernstein (MHB 0579)
SEDGWICK, DETERT, MORAN & ARNOLD LLP
125 Broad Street, 39th Floor
New York, New York 10004-2400
Telephone: (212) 422-0202
Facsimile: (212) 422-0925
Attorneys for Defendant
GROUP LONG TERM DISABILITY PLAN
FOR EMPLOYEES OF KEYSpan CORPORATION and
HARTFORD LIFE INSURANCE COMPANY

Dated: September 14, 2009

/S/ Thornton Davidson #166487
THORNTON DAVIDSON
The ERISA Law Group
2055 San Joaquin Street
Fresno, CA 93721
Telephone:(559)256-9800
Telefax:(559)256-9795
e-mail: thorntondavidson@aol.com
Attorney for Plaintiff/Counter Defendant,
DIANE S. FORTUNE,
Pro hac vice